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SUBJECT: NEW ELECTION LAW HIGHLIGHTS

REF: LIM/NEA E-MAIL 9/13/05

11. (SBU) Summary. The Transitional National Assembly (TNA) passed the election law September 12. The electoral system for the December elections will consist of 230 seats allotted to 18 governorate electoral districts and another 45 seats distributed nationally as compensatory seats. The voter register from the January election will be used as the basis for determining the number of National Assembly seats allocated to each governorate. Small parties that fail to win seats in the districts will be allocated compensatory seats first if they meet the 'national average.' The law aims to achieve the target of at least 25 percent female Assembly membership, and it likely will succeed in that. TNA members overwhelmingly favored including Out-of-Country Voting in the law - a measure that was exceptionally expensive for the election commission in January 2005. The final law received strong support from all major blocs in the TNA, including Kurds, Shia Islamists and former Prime Minister Allawi's Iraqiya group. End Summary.

12. (SBU) The TNA passed the Election Law September 12 (Ref contains English translation). Article 15 states that of the 275 seats in the Council of Representatives, 230 seats shall be distributed to the electoral districts and 45 shall be compensatory. It states further that "each governorate is one election district in accordance with official borders and shall be allotted a number of seats proportional to the number of registered voters in the governorates in accordance with the elections of January 30, 2005 based on the ration card system". During prior debate over the election law, members weighed allocating seats per governorate on either food distribution system data or the voter registry. However, after the August voter registry update preliminary results indicated that there had been an exceptionally large number of new voter registrations in Kirkuk -- over 227,000 new voters -- the Shia negotiators insisted on using the voter registration data from the January election to discount potentially fraudulent registrations in Kirkuk during August.

13. (SBU) Based on voter registration data from the January 30, 2004 election, Embassy Baghdad estimates that the 230 seats will be allotted to governorates in the following manner:

	Voters	Seats
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Anbar	574,138	9
Babil	694,192	11
Baghdad	3,664,922	59
Basra	1,035,055	17
Diyala	624,099	10
Dohuk	429,182	7
Erbil	795,291	13
Karbala	409,081	6
Misan	417,273	7
Muthanna	295,326	5
Najaf	493,808	8
Ninewa	1,197,940	19
Qadissiya	486,827	8
Salahaddin	498,017	8
Suleimaniya	914,441	14
Tameem	576,048	9
Dhi Qar	778,574	12
Wasit	494,955	8
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Total	14,379,169	230

Minority Compensatory Seats

14. (SBU) Article 17, which explains the distribution of compensatory seats will allocate compensatory seats first to parties that did not win any governorate seats, assuming they obtain the "national average" (total number of votes nationally divided by 275). (COMMENT: There is no limit to the number of seats that can be distributed to smaller parties in this way, but Shia and Kurdish contacts calculate that, based on January election results, about five smaller parties will benefit from this provision by securing one seat each.) This latter distribution also will be based on each party's proportion of the nationwide

vote.

Female Representation

15. (SBU) To ensure a minimum 25 percent female representation in the TNA, article 11 states that, 'at least one woman must be among the first three nominees on the list and at least two women must be among the first six nominees on the list and so on until the end of the list.' (Comment. Based on this same formula, the single district January election produced around 31 percent female representation in the TNA. Although female representation would be diluted using the same formula in a multi-district system, the formula likely would meet the constitutional goal of achieving at least 25 female Assembly membership. End Comment.)

Out-of-Country Voting (OCV)

17. (SBU) Article 19 states, "Iraqis outside of Iraq shall vote in polling centers designated by IECI and the votes will be counted on the National level." (Comment. This provision was included in the law despite UN technical advice against OCV for the December election on resource grounds. This OCV was exceptionally expensive in the January 2005 election.)
Elections Crimes Article Deleted

18. (SBU) Even though TNA members voted to include an article on penalties for elections crimes, the article was deleted before the text was officially released by the TNA legal committee. (COMMENT: The UN favored this provision as a strong disincentive to those who would commit electoral fraud. In our consultations with TNA members, we will seek to clarify the background to this change.)

Parties Pleased With Law

19. (SBU) Shia negotiator and TNA deputy speaker Shahrastani told PolOff on September 12 that he was satisfied with the law. TNA Legal Committee Chairman Mushen Sadoon (a Kurd) was similarly pleased and said that there was broad political agreement between the Shia and the Kurds on the election law.
Satterfield